

MLY:KJK/KB

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 12- 169

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UNITED STATES OF AMERICA

- against -

LUIS FANDOS,

Defendant.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANTS

(T. 49, U.S.C. § 46506(1);
T. 18, U.S.C. §§ 113(a)(5)
and 3551 et seq.)

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EASTERN DISTRICT OF NEW YORK, SS:

SHAWN RUSSELL, being duly sworn, deposes and states that he is a Detective with the Port Authority Police Department assigned to a task force with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about January 8, 2012, within the special aircraft jurisdiction of the United States, aboard American Airlines Flight Number 967, which originated in Buenos Aires, Argentina and was bound for John F. Kennedy International Airport in the Eastern District of New York, the defendant LUIS FANDOS did commit simple assault, contrary to Title 18, United States Code, Section 113(a)(5).

(Title 49, United States Code, Section 46506(1); Title 18 Section 113(a)(5) and 3551 et seq.)

The source of my information and the grounds for my belief are as follows:¹

1. I have been employed with the Port Authority Police Department since 1993, and have been assigned to the FBI Task Force since October 2004. I am assigned to John F. Kennedy International Airport, where I investigate violations of Federal law that occur within the airport environment and on board aircrafts.

2. On January 17, 2012, I interviewed JANE DOE. DOE stated, in sum and substance and among other things, that she was a passenger on American Airlines Flight 967 on January 8, 2012. DOE was seated next to FANDOS on the flight. Following the in-flight meal service, the airplane cabin lights were dimmed and DOE fell asleep. DOE woke up to FANDOS seated next to her touching her breast with his hand.

3. DOE further informed me in sum and substance that she reported the incident to the airplane's flight crew and asked to change her seat but the flight crew was unable to grant her request. FANDOS then told DOE in sum and substance, "I didn't mean to upset you."

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause, I have not described all the relevant facts and circumstances of which I am aware.

4. DOE further informed me in sum and substance that she attempted to fall asleep on the airplane again and woke up to find FANDOS seated next to her, touching her inner thigh with his hand. DOE then pushed FANDOS's hand away.

5. After landing, DOE reported the above incident to American Airlines who notified the Port Authority Police Department. American Airlines provided the Port Authority Police Department with the passenger name records information for the airplane seat next to DOE. DOE was then shown a photograph array and immediately identified FANDOS as the passenger seated next to her during the flight.

WHEREFORE, your deponent respectfully requests that the defendant LUIS FANDOS be dealt with according to law.



SHAWN RUSSELL
Detective
Port Authority Police Dep't,
FBI Task Force

Sworn to before me this
14th day of February, 2012



G.R.
UNITED STATES
EASTERN DISTRICT OF NEW YORK
S/ Levy